

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA,

Plaintiff,

v.

Guillermo DELGADILLO-Figueroa,

Defendant

) Magistrate Docket No. 08 MJ 0099

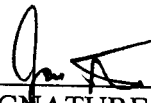
) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **January 12, 2008** within the Southern District of California, defendant, **Guillermo DELGADILLO-Figueroa**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **JANUARY**
2008



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

Guillermo DELGADILLO-Figueroa

PROBABLE CAUSE STATEMENT

On January 12, 2008, Senior Border Patrol Agent D. Spear was conducting line watch duties in the Imperial Beach area of responsibility. Agent Spear was working an area known as the Horse Trail. This area is located approximately five miles west and one mile north of the San Ysidro, California Port of Entry.

At approximately 6:55 p.m., Agent Spear, with the use of an infrared thermal camera, observed a group of nine suspected undocumented aliens heading north towards his position. Once all of the subjects came within a close distance, Agent Spear approached them and identified himself as a U.S. Border Patrol Agent. One subject, later identified as the defendant **Guillermo DELGADILLO-Figueroa**, attempted to abscond from Agent Spear. Agent Spear quickly apprehended the defendant and instructed the rest of the group not to move. Agent Spear then asked each individual their citizenship, nationality, and whether they had immigration documents to legally stay or remain in the United States. All the individuals, including the defendant, freely admitted to being citizens and nationals of Mexico illegally present in the United States. The defendant and the rest of the group were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 5, 2002** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.